

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	4:04CR3099
)	
Plaintiff,)	
)	MEMORANDUM
vs.)	AND ORDER
)	
ROBERT VYHNALEK,)	
ROSE VYHNALEK, and)	
RICHARD CRAWFORD,)	
)	
Defendants.)	

Because it appears that Robert V. Vyhalek, Rose Vyhalek, and Richard Crawford are represented by the same attorney, and a conflict of interest could exist as a result,

IT IS ORDERED that:

1. The court advises each of the defendants that they have a right to independent counsel. If such a defendant cannot afford counsel, independent counsel will be appointed at no cost to the defendant.
2. At the time of sentencing, and before I decide whether to accept the plea agreements, I will conduct a hearing pursuant to Federal Rule of Criminal Procedure 44 to determine whether the defendants should be permitted to proceed with the same lawyer.
3. Prior to the time of sentencing, defense counsel shall meet in person and separately with each defendant. At that meeting, defense counsel shall advise each client of the provisions of this order, the defendant's right to independent counsel and the appointment of counsel by the court at no

cost to the defendant, and the risks of joint representation. At the time of sentencing, and for each defendant, counsel shall affirmatively state on the record that he has complied with this directive.

November 4, 2005.

BY THE COURT:

s/ *Richard G. Kopf*
United States District Judge